

Remarks/Arguments

Status of Claims

Claims 1-64 were filed in the application to which the present case claims priority. These claims were subjected to a restriction requirement. Claims 26-64 have been withdrawn from consideration as drawn to a non-elected invention. Claims 1-25 have been rejected under various rejections. As outlined above, Claims 1-25 have been amended. Therefore, Claims 1-64 remain pending in this application, however, only Claims 1-25 are currently under consideration.

The amended claims are fully supported in the specification as filed. In particular, all reference numerals and letters have been removed from each claim and the phrase "characterized in that" has been replaced by "wherein." In addition, redundant language has been removed from Claim 1, and Claims 14, 15, 17, and 18 have been amended to include language from original Claim 8 to provide appropriate antecedent basis for the term "security zone."

Claim Rejections – 35 USC 112

Claims 14 and 15 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended these claims as well as Claims 17 and 18 discussed in paragraph 4 of the Office Action relating to this rejection to address this rejection.

Claims 14, 15, 17 and 18 recite the limitation "security zone" in line 2. There is insufficient antecedent basis for this limitation in the claim. Applicant has amended these claims to provide appropriate antecedent basis for the term "security zone" to these claims.

Claim Rejections – 35 USC 103

Claims 1-6, 10, 11 and 13-25 stand rejected under 35 USC 103(a) as being unpatentable over Nguyen et al., US Pat. No. 6,433,246 ("Nguyen"), in view of Leutwyler et al., US Pat. No. 5,911,712 ("Leutwyler"). Applicant respectfully traverses this rejection.

The invention of claim 1 relates to a tampon for feminine hygiene, with a tapered introductory end, a withdrawal end provided with a withdrawal means and a longitudinal axis. The tampon includes a longitudinally extending absorbent body made from compressed fiber material, and the absorbent body is densified more intensely in the region of the longitudinal axis to form a fiber column. Longitudinal ribs extend radially outward from the fiber column and flank longitudinal ribs in pairs. The tapered introductory end has collecting grooves and collecting ribs to collect menstrual secretions. The collecting grooves are open axially to the front and radially outward from the fiber column. The collecting ribs flank the collecting grooves.

Nguyen discloses a tampon formed of a substantially cylindrical mass of compressed fibers substantially enclosed in a fluid-permeable cover. The tampon has improved ability to prevent early leakage. It has a stability of at least about 15 N, and it is capable of radially expanding upon exposure to a humid environment. The radius increases by at least about 10% after 15 minutes to 90% relative humidity at 40° C.

Leutwyler discloses a digital tampon for feminine hygiene, having a round dome and a recovery tape. The tampon is formed of a blank which is shaped by winding up a length of continuous random fiber web that is pressed to produce a preform having a fiber core, longitudinal ribs and longitudinal grooves. The longitudinal ribs are pressed weakly to the final shape of the tampon. The preform, before being pressed to the final shape of the tampon, is shaped as a result of the separate, but simultaneous radial pressing of directly adjacent sectors of its entire circumferential surface to form a longitudinal groove and a longitudinal rib respectively on each sector of the circumferential surface. The longitudinal groove and longitudinal rib assigned to each sector of the circumferential surface are arranged respectively in succession in the same order in the circumferential

direction of the preform. The fiber material is pressed radially to a lesser extent in the region of the end provided with the recovery tape

The Office suggests that Nguyen teaches a tampon for feminine hygiene, substantially as claimed. However, it acknowledges that Nguyen does not specifically teach a tapered introductory end and a withdrawal end provided with a withdrawal means. Thus, the Office resorts to Leutwyler and argues that it would have been obvious to combine the two references to enable the user to more easily insert and remove the tampon during use. However, Applicant respectfully submits that the Office fails to address all of the originally filed claim elements. First, the Office Action is silent regarding any alleged teaching in Nguyen and/or Leutwyler of providing a tapered introductory end of a tampon with collecting grooves and collecting ribs to collect menstrual secretions. The Office is silent regarding any alleged teaching in the cited reference that such collecting grooves are open axially to the front and radially outward from the fiber column or that collecting ribs flank the collecting grooves. Therefore, Applicant respectfully submits that the Office has failed to make a prima facie case of the obviousness of the presently pending claims. Reconsideration of this rejection is earnestly solicited.

Claim 12 stands rejected under 35 USC 103(a) as being unpatentable over Nguyen et al., US Pat. No. 6,433,246 ("Nguyen"), in view of Leutwyler et al., US Pat. No. 5,911,712 ("Leutwyler") and further in view of Berges, US Pat. No. 6,939,340 ("Berges"). Applicant respectfully traverses this rejection.

The invention of Claim 1, from which Claim 12 depends, is described above. Claim 12 adds a limitation relating to a spiral or helical orientation of the longitudinal grooves and ribs.

Nguyen and Leutwyler are described above. Berges purports to disclose a tampon for feminine hygiene having an insertion end, a withdrawal end, a longitudinal axis, and an outer surface. The outer surface of the tampon has a first raised portion adjacent to a second raised portion. The first raised portion has a first width dimension and the second raised portion has a second width dimension. The first width dimension is greater than

said second width dimension. The outer surface of the tampon may have "topographical features such as ribs, spiraling ribs, a mesh pattern, or other topographical features."

The Office suggests that Nguyen/Leutwyler teach the present invention substantially as claimed. However, it admits that the combination of Nguyen and Leutwyler does not teach spiral of helical collecting channels. It then references the teaching of Berges, quoted above, and argues that it would have been obvious to modify the tampon taught by Nguyen and Leutwyler to incorporate the spiral or helical ribs of Berges. As indicated above, Applicant respectfully submits that the Office has failed to show where the combination of Nguyen and Leutwyler teaches all of the elements of Claim 1. The Office has not pointed to any portion of Berges that fills in this missing information. Therefore, Applicant respectfully submits that the Office has failed to make a prima facie case of obviousness of Claim 12, as well.

Applicant notes the indication that claims 7-9 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Office for this indication, but as he believes that the Office has failed to present a prima facie case of obviousness of all pending claims, he declines to rewrite Claims 7-9 in independent form.

Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Date: June 18, 2010
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Customer No. 000027777

/Joel A. Rothfus/
Joel A. Rothfus
Registration No. 33277
732-524-2722